

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** By Chairman Scott Mendenhall, on March 16, 2007  
at 8:00 A.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Scott Mendenhall, Chairman (R)  
Rep. Jim Keane, Vice Chairman (D)  
Rep. Mike Milburn, Vice Chairman (R)  
Rep. Elsie Arntzen (R)  
Rep. Shannon Augare (D)  
Rep. Scott Boggio (R)  
Rep. Ernie Dutton (R)  
Rep. Kevin T. Furey (D)  
Rep. Ralph Heinert (R)  
Rep. Llew Jones (R)  
Rep. Harry Klock (R)  
Rep. Michele Reinhart (D)  
Rep. Wayne Stahl (R)  
Rep. Bill Thomas (D)  
Rep. Kendall Van Dyk (D)

**Members Excused:** Rep. Jonathan Windy Boy (D)

**Members Absent:** None

**Staff Present:** Bart Campbell, Legislative Branch  
Nancy Kraft, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 108, 3/9/2007; SB 153, 3/9/2007;  
SB 276, 3/9/2007; SB 319, 3/14/2007  
Executive Action: SB 116, SB 323

**HEARING ON SB 276**

**Opening Statement by Sponsor:**

00:02:55 Sen. Donald Steinbeisser (R), SD 19, opened the hearing on SB 276, Permit funeral directors to sell certain life insurance policies.

**Proponents' Testimony:**

00:05:22 Scott Gilligan, Montana Funeral Directors' Association  
00:10:38 Teri Stevenson, Funeral Director from eastern Montana  
00:11:39 Shane Salisbury, Montana Funeral Directors' Association  
00:12:29 Wayne Benson, Missoula, Montana  
00:13:30 Todd Stevenson  
00:14:32 Steve Yeakel, Montana Funeral Directors' Association

**EXHIBIT** (buh56a01)

**Opponents' Testimony:**

00:16:56 Erin McGowan Fincham, State Auditor's Office  
00:20:52 Don Allen, Association of Insurance and Financial  
Advisors  
00:26:00 Jacqueline Lenmark, American Council of Life Insurers

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:32:43 Rep. Furey  
00:33:06 Ms. McGowan Fincham  
00:33:22 Rep. Keane  
00:33:40 Ms. McGowan Fincham  
00:34:07 Mary Arnold, State Auditor's Office  
00:35:52 Rep. Reinhart  
00:36:29 Mr. Yeakel  
00:36:45 Mr. Gilligan  
00:41:28 Rep. Jones  
00:41:55 Mr. Gilligan  
00:43:31 Rep. Keane  
00:43:56 Mr. Gilligan  
00:44:49 Rep. Keane  
00:45:04 Mr. Allen  
00:45:40 Rep. Dutton  
00:46:03 Mr. Gilligan  
00:47:13 Rep. Mendenhall  
00:47:51 Ms. McGowan Fincham  
00:47:59 Jennifer Massman, State Auditor's Office

**Closing by Sponsor:**

00:49:09 Sen. Steinbeissr

**HEARING ON SB 108**

**Opening Statement by Sponsor:**

00:50:09 Sen. Vicki Cocchiarella (D), SD 47, opened the hearing on SB 108, Revise work comp laws-independent contractors-medical fees-impaired insurers-etc.

**EXHIBIT** (buh56a02)

**Proponents' Testimony:**

00:52:05 Jerry Keck, Department of Labor and Industry  
00:56:50 Jason Miller, Montana State AFL-CIO  
00:57:17 Larry Kibbee, Property Casualty Insurance Association of America  
00:57:47 Riley Johnson, National Federation of Independent Business  
00:58:02 Jon Bennion, Montana Chamber of Commerce  
00:58:34 Jason Todhunter, Montana Logging Association  
00:58:47 Shawn Bubb, Montana School Group Insurance Authority  
00:58:59 Nancy Butler, Montana State Fund  
00:59:14 George Wood, Montana Self Insurers' Association  
00:59:56 Jacqueline Lenmark, American Insurance Association  
01:00:33 Andrea Olsen, Montana Trial Lawyers' Association  
01:01:32 Bob Olsen, Association of Montana Health Care Providers

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:03:12 Sen. Cocchiarella

**HEARING ON SB 153**

**Opening Statement by Sponsor:**

01:03:34 Sen. Vicki Cocchiarella (D), SD 47, opened the hearing on SB 153, Revise professional and occupational licensing laws.

**EXHIBIT** (buh56a03)

**Proponents' Testimony:**

01:05:57 Jack Kane, Department of Labor and Industry  
01:12:29 Glenn Oppel, Montana Association of Realtors

**Opponents' Testimony:** None

**Informational Testimony:**

01:13:03 Roy Kemp, Department of Public Health and Human  
Services

**Questions from Committee Members and Responses:**

01:13:25 Rep. Dutton  
01:13:48 Mr. Oppel  
01:16:15 Rep. Arntzen  
01:17:05 Mr. Kemp  
01:17:30 Jill Caldwell, Department of Labor and Industry  
01:19:40 Rep. Mendenhall  
01:20:00 Mr. Kemp  
01:22:05 Rep. Mendenhall  
01:22:38 Lisa Addington, Department of Labor and Industry  
01:24:59 Rep. Mendenhall

**Closing by Sponsor:**

01:25:15 Sen. Cocchiarella

**HEARING ON SB 319**

**Opening Statement by Sponsor:**

01:25:56 Sen. Vicki Cocchiarella (D), SD 47, opened the hearing  
on SB 319, Allow real estate agent to represent  
multiple sellers or buyers.

**Proponents' Testimony:**

01:26:51 Glenn Oppel, Montana Association of Realtors  
01:28:24 Jamie Bowditch, Montana Association of Realtors'  
General Counsel

**EXHIBIT (buh56a04)**

01:31:47 Vickie Hammond, Real Estate Broker, Missoula, Montana

**EXHIBIT (buh56a05)**

**Opponents' Testimony:**

01:35:06 Andrea Olsen, Montana Trial Lawyers' Association

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:42:11 Rep. Dutton  
01:44:54 Ms. Olsen  
01:48:32 Rep. Keane  
01:48:49 Mr. Bowditch  
01:50:03 Rep. Jones  
01:51:04 Mr. Bowditch  
01:52:38 Rep. Reinhart  
01:52:54 Mr. Bowditch  
01:54:35 Rep. Furey  
01:55:19 Mr. Bowditch  
01:57:47 Rep. Dutton  
01:58:24 Mr. Bowditch  
01:58:32 Rep. Arntzen  
01:58:57 Mr. Bowditch

**Closing by Sponsor:**

01:59:40 Sen. Cocchiarella  
02:02:51 Break

**EXECUTIVE ACTION ON SB 323**

02:32:59 **Motion:** Rep. Milburn moved that SB 323 **BE CONCURRED IN.**

**Discussion:**

02:33:20 Rep. Milburn  
02:33:57 Rep. Keane

02:34:09 **Motion:** Rep. Dutton moved that SB 323 **BE AMENDED.**  
**EXHIBIT**(buh56a06)

**Discussion:**

02:35:42 Rep. Jones  
02:36:59 Rep. Keane  
02:37:10 Rep. Mendenhall  
02:38:34 Rep. Augare

- 02:40:21 **Vote:** Motion failed 3-13 by roll call vote with Reps. Dutton, Rep. Furey, and Mendenhall voting aye. Reps. Windy Boy and Arntzen voted by proxy.
- 02:41:51 **Vote:** Motion carried 14-2 by roll call vote with Reps. Arntzen and Rep. Windy Boy voting no. Reps. Windy Boy and Arntzen voted by proxy. Rep. Llew Jones will carry the bill.

#### **EXECUTIVE ACTION ON SB 116**

- 02:42:03 **Motion:** Rep. Keane moved that SB 116 **BE CONCURRED IN.**
- 02:42:39 **Motion:** Rep. Stahl moved that SB 116 **BE AMENDED.**
- [\*\*EXHIBIT\*\*](#) (buh56a07)

#### **Discussion:**

- 02:44:04 Rep. Furey
- 02:44:49 Rep. Keane

- 02:44:57 **Vote:** Motion carried unanimously by voice vote.
- 02:45:19 **Motion:** Rep. Stahl moved that SB 116 **BE AMENDED.**
- [\*\*EXHIBIT\*\*](#) (buh56a08)

#### **Discussion:**

- 02:46:12 Rep. Augare
- 02:47:12 Rep. Milburn
- 02:48:16 Rep. Keane
- 02:48:27 Rep. VanDyk

- 02:49:13 **Vote:** Motion failed 8-8 by roll call vote with Reps. Arntzen, Boggio, Dutton, Heinert, Jones, Mendenhall, Milburn, and Stahl voting aye. Reps. Windy Boy and Arntzen voted by proxy.
- 02:50:09 **Motion/Vote:** Rep. Milburn moved that SB 116 **BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Reps. Windy Boy and Arntzen voted by proxy. Rep. Keane will carry the bill.

**ADJOURNMENT**

02:50:58 Adjournment: 9:50 A.M.

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REP. SCOTT MENDENHALL, Chairman

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NANCY KRAFT, Secretary

SM/nk

Additional Exhibits:

**EXHIBIT ([buh56aad.pdf](#))**